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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,514	11/26/2003	Rene Kunz	16613	8946

4859 7590 04/21/2004

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

SALATA, ANTHONY J

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,514

Applicant(s)

KUNZ ET AL.

Examiner

Jonathan Salata

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1- 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-18-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Washington, D.C. 20231

Paper No:04162004
Serial Number: 10/723514
Filing Date: November 26,2003

1. The drawings are objected to because the blank rectangular boxes and/or merely numbered boxes of figures 1,2b must be labeled. Although not required, labels with the elements of figures 2a,3a-3c would be helpful. Conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). see 37 CFR 1.83(a). It is further pointed out that merely numbering the boxes is not considered an appropriate label. This allows identification of the drawing element without consulting the text of the specification. Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Toyoshima et al (JP 354131237A).

Toyoshima et al teaches in figures 1-11, a selector tape for an elevator.

A car for an elevator on guide rails (not shown) contains a selector tape 4. The selector tape contains coded data for floor selection and positioning. A cover 11 (paint or coating ie. Non-magnetic) is applied to the tape.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2,9,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima et al

Toyoshima et al does not state metallic cover but does state that any coating or pasting of another tape may be applied. Thus, the choice of material applied is considered a matter of convenience.

6. Claims 3-6,10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima et al and and Dobler et al (6128116).

Toyoshima et al does not illustrate the grooved rail.

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Dobler et al teaches that for improved speed detection/positioning within an elevator installation, it is advantageous to utilize tape readers as opposed to costly and high maintenance cams/rollers

Shown within the figure is the tape 29 positioned in a groove 16 on the T-rail 16. Dobler et al states that the position and number of tape elements or even the shape of the rail can be changed without altering the accuracy of the system.

Thus, to utilize a grooved rail with tape attached within Toyoshima et al would have been an obvious engineering design choice to one of ordinary skill in the art to improve speed detection and positioning.

7. Claims 7,8,14,15 rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima et al and Dobler et al as applied to claims 4,10 above, and further in view of Ma (6393360).

Toyoshima et al and Dobler et al do not illustrate the cover details.

Ma teaches that for a vehicle positioning system it is advantageous in a passive detection system which has coded data embedded in the path (rail), to provide an overlapping cover to protect the coded data. See figures 7B,8B.

Thus, to utilize an overlapping cover to protect the coded data in a vehicle positioning system would have been an obvious engineering design choice to one of ordinary skill in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siberhorn et al., Disieno, Gerkenstorn, Yoo, Foster et al., Wright, Milbrett, Lanfer, Ondricek et al., Kamani et al., Zaharia and the foreign references are cited to illustrate similar elevator positioning systems/readers.

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A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a general nature or relating to the **status** of this application or **filing of papers** should be directed to the **Group receptionist** whose telephone number is **(571) 272-2800**.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24).

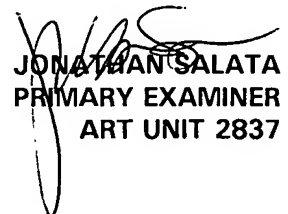
For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

For requesting **copies** of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata** whose telephone number is **(571) 272-2073**. The examiner can normally be reached on Monday through Thursday from 7:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (571) 272-2071.

ajs
April 16, 2004


JONATHAN SALATA
PRIMARY EXAMINER
ART UNIT 2837